

Amdt. dated April 11, 2006
Reply to Office action of January 11, 2006

Serial No. 10/621,806
Docket No. TUC920030018US1
Firm No. 0018.0127

Amendments to the Drawings

The attached sheet of drawings includes changes to FIG. 2. This sheet, which includes FIG. 2, replaces the original sheet including FIG. 2.

Attachment: Replacement Sheet

Amdt. dated April 11, 2006
Reply to Office action of January 11, 2006

Serial No. 10/621,806
Docket No. TUC920030018US1
Firm No. 0018.0127

REMARKS/ARGUMENTS

Claims 1-20 are pending in the application. Reconsideration is respectfully requested. Applicants submit that the pending claims 1-20 are patentable over the art of record and allowance is respectfully requested of claims 1-20.

The Specification has been amended to correct a minor error. No new matter has been added.

FIG. 2 of the Drawings has been amended to remove the text: (45.53). No new matter has been added.

Claims 1, 8, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Segev et al. (U.S. Patent No. 6,848,021). Applicants respectfully traverse.

Anticipation requires that the identical invention must be shown in a single reference in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the Segev patent does not describe the identical invention claimed.

Claims 1, 8, and 15 describe creating a copy services solution. A document describing the copy services solution is received. The document is converted to executable code. The code is executed to perform one or more base copy services solutions described with base copy types in the document.

The Segev patent describes a sidefile that is used to capture data modifications and preserve images of data to be copied by different types of copy services (Col. 2, lines 19-22). A sequence of entries are added to the sidefile specifying copy operations to be respectively performed by copy services in the system (Col. 2, lines 37-40 and 55-65). The copy operations specified by the operations are executed (Col. 2, lines 442-43).

Examiner Rose submits that "entries is the code because it defines a set of rules/operations to be executed". Applicants respectfully traverse. In the Segev patent, the entries that are added to the sidefile specify copy operations. Applicants do not agree that such entries are identical to code that is converted from a document describing the copy services solution. However, if entries are interpreted as identical to code, the Segev patent still does not

Amdt. dated April 11, 2006
Reply to Office action of January 11, 2006

Serial No. 10/621,806
Docket No. TUC920030018US1
Firm No. 0018.0127

anticipate the claimed subject matter. In particular, the Segev patent describes a single sidefile to which the entries that describe copy operations are added. On the other hand, the claims describe that a document describes a copy services solution, and then this document is converted to executable code. Moreover, the entries being executed is submitted as anticipating the claimed execution of the code. Applicants respectfully traverse. The Segev patent executes the copy operations specified by the entries rather than executing code that is converted from a document that describes the copy services solution.

Therefore, Applicants submit that claims 1, 8, and 15 are not anticipated by the Segev patent.

Claims 2-7, 9-13, and 16-20 are rejected under 35 U.S.C. 103(a) as being obvious over Segev et al. in view of Goiffon et al. (U.S. Patent No. 6,226,792). Applicants respectfully traverse.

Per MPEP 706.02(1)(1) and 706.02(1)(2), in order to disqualify the Segev patent, Applicants are attaching a Declaration signed by Dale M. Crockatt that declares that U.S. Patent Application No. 10/621,806 and U.S. Patent No. 6,848,021 were, at the time the invention of U.S. Patent Application No. 10/621,806 was made, owned by International Business Machines Corporation.

Applicants respectfully submit that the 35 U.S.C. 103(a) rejection is moot.

Amdt. dated April 11, 2006
Reply to Office action of January 11, 2006

Serial No. 10/621,806
Docket No. TUC920030018US1
Firm No. 0018.0127

Conclusion

For all the above reasons, Applicants submit that the pending claims 1-20 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0449.

The attorney of record invites the Examiner to contact her at (310) 553-7973 if the Examiner believes such contact would advance the prosecution of the case.

Dated: April 11, 2006

By: 

Janaki K. Davda
Registration No. 40,684

Please direct all correspondences to:

David Victor
Konrad Raynes & Victor, LLP
315 South Beverly Drive, Ste. 210
Beverly Hills, CA 90212
Tel: 310-553-7977
Fax: 310-556-7984